

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-1554-F)

In re Application of:	Varnum, et al.)	
)	
Serial No.:	10/656,769)	Before the Examiner: Skelding, Z.
)	
Filed:	September 5, 2003)	Group Art Unit: 1644
)	
For:	Therapeutic Human Anti-IL-1R1)	Conf No: 8860
	Monoclonal Antibody)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPLICANT'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW,
IN RESPONSE TO SUMMARY, MAILED OCTOBER 9, 2007**

Sir:

Applicants respectfully submit the following remarks in response to the Interview Summary mailed October 9, 2007. This submission is timely if filed on or before November 9, 2007, and no fee is believed due.

Interview Summary

The following comments relating to the Interview Summary, dated October 9, 2007, are merely intended to clarify the record more fully regarding the extent of the discussion between Examiner Skelding and the undersigned. First, the Applicants and the undersigned wish to thank Examiner Skelding for the telephonic discussion on September 20, 2007. As indicated in the Interview Summary, the discussion focused on the Restriction Requirement, mailed June 29, 2005, in the above-referenced application.

While there was particular discussion regarding the non-elected antibodies that were restricted as patentably distinct species by the Office in the June 29, 2005 Restriction Requirement, the informal discussion related more generally to whether the Applicants would be able to rely on the June 29, 2005 Restriction Requirement and the recited Groups and

patentably distinct species to file divisional applications under the Claims and Continuations Final Rule, published August 21, 2007. The conference was intended to formulate a strategy for on-going prosecution under the "new rules" that were scheduled to be enacted on November 1, 2007, and whether divisional filings would need to be undertaken prior to November 1, 2007. While Examiner Skelding understandably could not provide definitive answers about Patent Office policy concerning future divisional practice as applied to previously issued Restriction Requirements going forward under the "new rules," he and the undersigned concluded that the filing of future divisional applications under the new rules (to both separate and distinct Groups and non-elected antibody species) would likely be properly based on the June 29, 2005 Restriction Requirement.

If the Examiner believes that a personal or telephonic conference would expedite prosecution, he is invited to call the undersigned at (312) 913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Dated: November 8, 2007

By: /Christopher P. Singer/
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